

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

Claims 1 and 3-13 are pending in the application.

Applicant notes with appreciation the indication that claims 3-6 and 9-11 are allowable.

Claim 7 is amended to clarify that the lateral surfaces are essentially plane and rigid surfaces that give lateral support to the waterproof first sheet. The surfaces are formed by panels. See page 7, lines 23-25 and page 8, lines 16-18.

Claim 11 is amended to remove the phrase "may be". In view of these amendments, it is believed that the 35 USC §112, second paragraph rejections are addressed and reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1, 7, 8 and 13 were rejected under 35 USC §102(b) as being anticipated by WEINER 5,068,929. That rejection is respectfully traversed.

Claim 1 recites that an overflowing channel contained in a space of the supporting structure is adapted to contain enough water to work as an accumulation and compensation basin for the swimming pool.

The Official Action indicates that element 28 of WEINBER is an overflowing channel that is adapted to contain enough water to work as an accumulation and compensation basin for said swimming pool.

However, the above characterization of WEINER is inconsistent with the disclosure of this reference.

Element 28 is part of a mechanical retainer for pool cover 12. The retainer includes a head of a shank (the other end of the shank is connected to the cover) in a notch 30 in the channel to anchor the cover as a safety feature. See column 3, lines 38-50 of WEINER. Such a configuration is not designed to (nor capable of) containing water to work as an accumulation and compensation basin for a swimming pool as part of the hydraulic circuit of the swimming pool.

Rather, as seen in Figures 2 and 3 of WEINER, the channel 20/28 is above the water level. Moreover, the channel could not contain water as it is open along wall 26 with notches 30 that prevents the channel from containing water.

In view of the above, it is apparent that channel 28 neither meets the cited features of claim 1, nor is capable of meeting the function of claim 1, at least because its position (with respect to the water level) and configuration (notches 30) prevents channel 28 from being adapted to contain enough water to work as an accumulation and compensation basin for a swimming pool.

Accordingly, WEINER is not anticipatory and claim 1 can be considered novel over WEINER.

Claim 7 includes similar features to that of claim 1 and the analysis above regarding claim 1 is equally applicable to claim 7.

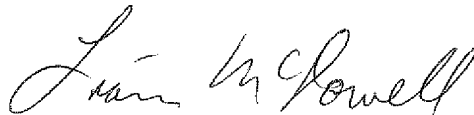
The dependent claims are believed to be patentable at least for depending from an allowable independent claim.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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